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112TH CONGRESS
2^D SESSION

H. R. 3407

[Report No. 112-393]

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2011

Mr. HASTINGS of Washington (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Natural Resources

FEBRUARY 9, 2012

Additional sponsors: Mr. KLINE and Mr. DUNCAN of South Carolina

FEBRUARY 9, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on November 14, 2011]

A BILL

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Alaskan Energy for*
5 *American Jobs Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *COASTAL PLAIN.*—*The term “Coastal Plain”*
9 *means that area described in appendix I to part 37*
10 *of title 50, Code of Federal Regulations.*

11 (2) *PEER REVIEWED.*—*The term “peer reviewed”*
12 *means reviewed—*

13 (A) *by individuals chosen by the National*
14 *Academy of Sciences with no contractual rela-*
15 *tionship with, or those who have no application*
16 *for a grant or other funding pending with, the*
17 *Federal agency with leasing jurisdiction; or*

18 (B) *if individuals described in subpara-*
19 *graph (A) are not available, by the top individ-*
20 *uals in the specified biological fields, as deter-*
21 *mined by the National Academy of Sciences.*

22 (3) *SECRETARY.*—*The term “Secretary”, except*
23 *as otherwise provided, means the Secretary of the In-*
24 *terior or the Secretary’s designee.*

1 **SEC. 3. LEASING PROGRAM FOR LANDS WITHIN THE COAST-**
2 **AL PLAIN.**

3 (a) *IN GENERAL.*—*The Secretary shall take such ac-*
4 *tions as are necessary—*

5 (1) *to establish and implement, in accordance*
6 *with this Act and acting through the Director of the*
7 *Bureau of Land Management in consultation with the*
8 *Director of the United States Fish and Wildlife Serv-*
9 *ice, a competitive oil and gas leasing program that*
10 *will result in the exploration, development, and pro-*
11 *duction of the oil and gas resources of the Coastal*
12 *Plain; and*

13 (2) *to administer the provisions of this Act*
14 *through regulations, lease terms, conditions, restric-*
15 *tions, prohibitions, stipulations, and other provisions*
16 *that ensure the oil and gas exploration, development,*
17 *and production activities on the Coastal Plain will*
18 *result in no significant adverse effect on fish and*
19 *wildlife, their habitat, subsistence resources, and the*
20 *environment, including, in furtherance of this goal,*
21 *by requiring the application of the best commercially*
22 *available technology for oil and gas exploration, de-*
23 *velopment, and production to all exploration, develop-*
24 *ment, and production operations under this Act in a*
25 *manner that ensures the receipt of fair market value*
26 *by the public for the mineral resources to be leased.*

1 **(b) REPEAL OF EXISTING RESTRICTION.**—

2 **(1) REPEAL.**—*Section 1003 of the Alaska Na-*
3 *tional Interest Lands Conservation Act (16 U.S.C.*
4 *3143) is repealed.*

5 **(2) CONFORMING AMENDMENT.**—*The table of*
6 *contents in section 1 of such Act is amended by strik-*
7 *ing the item relating to section 1003.*

8 **(c) COMPLIANCE WITH REQUIREMENTS UNDER CER-**
9 **TAIN OTHER LAWS.**—

10 **(1) COMPATIBILITY.**—*For purposes of the Na-*
11 *tional Wildlife Refuge System Administration Act of*
12 *1966 (16 U.S.C. 668dd et seq.), the oil and gas leas-*
13 *ing program and activities authorized by this section*
14 *in the Coastal Plain are deemed to be compatible with*
15 *the purposes for which the Arctic National Wildlife*
16 *Refuge was established, and no further findings or de-*
17 *terminations are required to implement this determination.*

18 **(2) ADEQUACY OF THE DEPARTMENT OF THE IN-**
19 **TERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT**
20 **STATEMENT.**—*The “Final Legislative Environmental*
21 *Impact Statement” (April 1987) on the Coastal Plain*
22 *prepared pursuant to section 1002 of the Alaska Na-*
23 *tional Interest Lands Conservation Act (16 U.S.C.*
24 *3142) and section 102(2)(C) of the National Environ-*
25 *mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is*

1 *deemed to satisfy the requirements under the National*
2 *Environmental Policy Act of 1969 that apply with*
3 *respect to prelease activities under this Act, including*
4 *actions authorized to be taken by the Secretary to de-*
5 *velop and promulgate the regulations for the establish-*
6 *ment of a leasing program authorized by this Act be-*
7 *fore the conduct of the first lease sale.*

8 (3) *COMPLIANCE WITH NEPA FOR OTHER AC-*
9 *TIONS.—Before conducting the first lease sale under*
10 *this Act, the Secretary shall prepare an environ-*
11 *mental impact statement under the National Envi-*
12 *ronmental Policy Act of 1969 with respect to the ac-*
13 *tions authorized by this Act that are not referred to*
14 *in paragraph (2). Notwithstanding any other law, the*
15 *Secretary is not required to identify nonleasing alter-*
16 *native courses of action or to analyze the environ-*
17 *mental effects of such courses of action. The Secretary*
18 *shall only identify a preferred action for such leasing*
19 *and a single leasing alternative, and analyze the en-*
20 *vironmental effects and potential mitigation measures*
21 *for those two alternatives. The identification of the*
22 *preferred action and related analysis for the first*
23 *lease sale under this Act shall be completed within 18*
24 *months after the date of enactment of this Act. The*
25 *Secretary shall only consider public comments that*

1 *specifically address the Secretary's preferred action*
2 *and that are filed within 20 days after publication of*
3 *an environmental analysis. Notwithstanding any*
4 *other law, compliance with this paragraph is deemed*
5 *to satisfy all requirements for the analysis and con-*
6 *sideration of the environmental effects of proposed*
7 *leasing under this Act.*

8 *(d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-*
9 *ITY.—Nothing in this Act shall be considered to expand or*
10 *limit State and local regulatory authority.*

11 *(e) SPECIAL AREAS.—*

12 *(1) IN GENERAL.—The Secretary, after consulta-*
13 *tion with the State of Alaska, the city of Kaktovik,*
14 *and the North Slope Borough, may designate up to a*
15 *total of 45,000 acres of the Coastal Plain as a Special*
16 *Area if the Secretary determines that the Special*
17 *Area is of such unique character and interest so as*
18 *to require special management and regulatory protec-*
19 *tion. The Secretary shall designate as such a Special*
20 *Area the Sadlerochit Spring area, comprising ap-*
21 *proximately 4,000 acres.*

22 *(2) MANAGEMENT.—Each such Special Area*
23 *shall be managed so as to protect and preserve the*
24 *area's unique and diverse character including its fish,*
25 *wildlife, and subsistence resource values.*

1 (3) *EXCLUSION FROM LEASING OR SURFACE OC-*
2 *CUPANCY.—The Secretary may exclude any Special*
3 *Area from leasing. If the Secretary leases a Special*
4 *Area, or any part thereof, for purposes of oil and gas*
5 *exploration, development, production, and related ac-*
6 *tivities, there shall be no surface occupancy of the*
7 *lands comprising the Special Area.*

8 (4) *DIRECTIONAL DRILLING.—Notwithstanding*
9 *the other provisions of this subsection, the Secretary*
10 *may lease all or a portion of a Special Area under*
11 *terms that permit the use of horizontal drilling tech-*
12 *nology from sites on leases tracts located outside the*
13 *Special Area.*

14 (f) *LIMITATION ON CLOSED AREAS.—The Secretary’s*
15 *sole authority to close lands within the Coastal Plain to*
16 *oil and gas leasing and to exploration, development, and*
17 *production is that set forth in this Act.*

18 (g) *REGULATIONS.—*

19 (1) *IN GENERAL.—The Secretary shall prescribe*
20 *such regulations as may be necessary to carry out this*
21 *Act, including regulations relating to protection of the*
22 *fish and wildlife, their habitat, subsistence resources,*
23 *and environment of the Coastal Plain, by no later*
24 *than 15 months after the date of enactment of this*
25 *Act.*

1 (2) *REVISION OF REGULATIONS.*—*The Secretary*
2 *shall, through a rule making conducted in accordance*
3 *with section 553 of title 5, United States Code, peri-*
4 *odically review and, if appropriate, revise the regula-*
5 *tions issued under subsection (a) to reflect a prepon-*
6 *derance of the best available scientific evidence that*
7 *has been peer reviewed and obtained by following ap-*
8 *propriate, documented scientific procedures, the re-*
9 *sults of which can be repeated using those same proce-*
10 *dures.*

11 **SEC. 4. LEASE SALES.**

12 (a) *IN GENERAL.*—*Lands may be leased under this Act*
13 *to any person qualified to obtain a lease for deposits of oil*
14 *and gas under the Mineral Leasing Act (30 U.S.C. 181 et*
15 *seq.).*

16 (b) *PROCEDURES.*—*The Secretary shall, by regulation*
17 *and no later than 180 days after the date of enactment of*
18 *this Act, establish procedures for—*

19 (1) *receipt and consideration of sealed nomina-*
20 *tions for any area of the Coastal Plain for inclusion*
21 *in, or exclusion (as provided in subsection (c)) from,*
22 *a lease sale;*

23 (2) *the holding of lease sales after such nomina-*
24 *tion process; and*

1 (3) *public notice of and comment on designation*
2 *of areas to be included in, or excluded from, a lease*
3 *sale.*

4 (c) *LEASE SALE BIDS.—Lease sales under this Act*
5 *may be conducted through an Internet leasing program, if*
6 *the Secretary determines that such a system will result in*
7 *savings to the taxpayer, an increase in the number of bid-*
8 *ders participating, and higher returns than oral bidding*
9 *or a sealed bidding system.*

10 (d) *SALE ACREAGES AND SCHEDULE.—*

11 (1) *The Secretary shall offer for lease under this*
12 *Act those tracts the Secretary considers to have the*
13 *greatest potential for the discovery of hydrocarbons,*
14 *taking into consideration nominations received pur-*
15 *suant to subsection (b)(1).*

16 (2) *The Secretary shall offer for lease under this*
17 *Act no less than 50,000 acres for lease within 22*
18 *months after the date of the enactment of this Act.*

19 (3) *The Secretary shall offer for lease under this*
20 *Act no less than an additional 50,000 acres at 6-, 12-*
21 *, and 18-month intervals following offering under*
22 *paragraph (2).*

23 (4) *The Secretary shall conduct four additional*
24 *sales under the same terms and schedule no later than*
25 *two years after the date of the last sale under para-*

1 *graph (3), if sufficient interest in leasing exists to*
2 *warrant, in the Secretary's judgment, the conduct of*
3 *such sales.*

4 *(5) The Secretary shall evaluate the bids in each*
5 *sale and issue leases resulting from such sales, within*
6 *90 days after the date of the completion of such sale.*

7 **SEC. 5. GRANT OF LEASES BY THE SECRETARY.**

8 *(a) IN GENERAL.—The Secretary may grant to the*
9 *highest responsible qualified bidder in a lease sale conducted*
10 *under section 4 any lands to be leased on the Coastal Plain*
11 *upon payment by the such bidder of such bonus as may*
12 *be accepted by the Secretary.*

13 *(b) SUBSEQUENT TRANSFERS.—No lease issued under*
14 *this Act may be sold, exchanged, assigned, sublet, or other-*
15 *wise transferred except with the approval of the Secretary.*
16 *Prior to any such approval the Secretary shall consult with,*
17 *and give due consideration to the views of, the Attorney*
18 *General.*

19 **SEC. 6. LEASE TERMS AND CONDITIONS.**

20 *(a) IN GENERAL.—An oil or gas lease issued under*
21 *this Act shall—*

22 *(1) provide for the payment of a royalty of not*
23 *less than 12½ percent in amount or value of the pro-*
24 *duction removed or sold under the lease, as deter-*

1 *mined by the Secretary under the regulations applica-*
2 *ble to other Federal oil and gas leases;*

3 *(2) provide that the Secretary may close, on a*
4 *seasonal basis, portions of the Coastal Plain to ex-*
5 *ploratory drilling activities as necessary to protect*
6 *caribou calving areas and other species of fish and*
7 *wildlife based on a preponderance of the best available*
8 *scientific evidence that has been peer reviewed and ob-*
9 *tained by following appropriate, documented sci-*
10 *entific procedures, the results of which can be repeated*
11 *using those same procedures;*

12 *(3) require that the lessee of lands within the*
13 *Coastal Plain shall be fully responsible and liable for*
14 *the reclamation of lands within the Coastal Plain and*
15 *any other Federal lands that are adversely affected in*
16 *connection with exploration, development, production,*
17 *or transportation activities conducted under the lease*
18 *and within the Coastal Plain by the lessee or by any*
19 *of the subcontractors or agents of the lessee;*

20 *(4) provide that the lessee may not delegate or*
21 *convey, by contract or otherwise, the reclamation re-*
22 *sponsibility and liability to another person without*
23 *the express written approval of the Secretary;*

24 *(5) provide that the standard of reclamation for*
25 *lands required to be reclaimed under this Act shall be,*

1 *as nearly as practicable, a condition capable of sup-*
2 *porting the uses which the lands were capable of sup-*
3 *porting prior to any exploration, development, or pro-*
4 *duction activities, or upon application by the lessee,*
5 *to a higher or better use as certified by the Secretary;*

6 *(6) contain terms and conditions relating to pro-*
7 *tection of fish and wildlife, their habitat, subsistence*
8 *resources, and the environment as required pursuant*
9 *to section 3(a)(2);*

10 *(7) provide that the lessee, its agents, and its*
11 *contractors use best efforts to provide a fair share, as*
12 *determined by the level of obligation previously agreed*
13 *to in the 1974 agreement implementing section 29 of*
14 *the Federal Agreement and Grant of Right of Way for*
15 *the Operation of the Trans-Alaska Pipeline, of em-*
16 *ployment and contracting for Alaska Natives and*
17 *Alaska Native corporations from throughout the State;*

18 *(8) prohibit the export of oil produced under the*
19 *lease; and*

20 *(9) contain such other provisions as the Sec-*
21 *retary determines necessary to ensure compliance*
22 *with this Act and the regulations issued under this*
23 *Act.*

24 *(b) NEGOTIATED LABOR AGREEMENTS.—The Sec-*
25 *retary, as a term and condition of each lease under this*

1 *Act, shall require that the lessee and its agents and contrac-*
2 *tors negotiate to obtain an agreement for the employment*
3 *of laborers and mechanics on production, maintenance, and*
4 *construction under the lease.*

5 **SEC. 7. POLICIES REGARDING BUYING, BUILDING, AND**
6 **WORKING FOR AMERICA.**

7 (a) *CONGRESSIONAL INTENT.—It is the intent of the*
8 *Congress that—*

9 (1) *this Act will support a healthy and growing*
10 *United States domestic energy sector that, in turn,*
11 *helps to reinvigorate American manufacturing, trans-*
12 *portation, and service sectors by employing the vast*
13 *talents of United States workers to assist in the devel-*
14 *opment of energy from domestic sources; and*

15 (2) *Congress will monitor the deployment of per-*
16 *sonnel and material onshore and offshore to encourage*
17 *the development of American technology and manu-*
18 *facturing to enable United States workers to benefit*
19 *from this Act through good jobs and careers, as well*
20 *as the establishment of important industrial facilities*
21 *to support expanded access to American resources.*

22 (b) *REQUIREMENT.—The Secretary of the Interior*
23 *shall when possible, and practicable, encourage the use of*
24 *United States workers and equipment manufactured in the*

1 *United States in all construction related to mineral devel-*
2 *opment on the Coastal Plain.*

3 **SEC. 8. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

4 *(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO*
5 *GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The*
6 *Secretary shall, consistent with the requirements of section*
7 *3, administer this Act through regulations, lease terms, con-*
8 *ditions, restrictions, prohibitions, stipulations, and other*
9 *provisions that—*

10 *(1) ensure the oil and gas exploration, develop-*
11 *ment, and production activities on the Coastal Plain*
12 *will result in no significant adverse effect on fish and*
13 *wildlife, their habitat, and the environment;*

14 *(2) require the application of the best commer-*
15 *cially available technology for oil and gas explo-*
16 *ration, development, and production on all new explo-*
17 *ration, development, and production operations; and*

18 *(3) ensure that the maximum amount of surface*
19 *acreage covered by production and support facilities,*
20 *including airstrips and any areas covered by gravel*
21 *berms or piers for support of pipelines, does not ex-*
22 *ceed 10,000 acres on the Coastal Plain for each*
23 *100,000 acres of area leased.*

1 **(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—
2 *The Secretary shall also require, with respect to any pro-*
3 *posed drilling and related activities, that—*

4 (1) *a site-specific analysis be made of the prob-*
5 *able effects, if any, that the drilling or related activi-*
6 *ties will have on fish and wildlife, their habitat, sub-*
7 *sistence resources, and the environment;*

8 (2) *a plan be implemented to avoid, minimize,*
9 *and mitigate (in that order and to the extent prac-*
10 *ticable) any significant adverse effect identified under*
11 *paragraph (1); and*

12 (3) *the development of the plan shall occur after*
13 *consultation with the agency or agencies having juris-*
14 *isdiction over matters mitigated by the plan.*

15 **(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH**
16 **AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND**
17 **THE ENVIRONMENT.**—*Before implementing the leasing pro-*
18 *gram authorized by this Act, the Secretary shall prepare*
19 *and promulgate regulations, lease terms, conditions, restric-*
20 *tions, prohibitions, stipulations, and other measures de-*
21 *signed to ensure that the activities undertaken on the Coast-*
22 *al Plain under this Act are conducted in a manner con-*
23 *sistent with the purposes and environmental requirements*
24 *of this Act.*

1 (d) *COMPLIANCE WITH FEDERAL AND STATE ENVI-*
2 *RONMENTAL LAWS AND OTHER REQUIREMENTS.*—*The pro-*
3 *posed regulations, lease terms, conditions, restrictions, pro-*
4 *hibitions, and stipulations for the leasing program under*
5 *this Act shall require compliance with all applicable provi-*
6 *sions of Federal and State environmental law, and shall*
7 *also require the following:*

8 (1) *Standards at least as effective as the safety*
9 *and environmental mitigation measures set forth in*
10 *items 1 through 29 at pages 167 through 169 of the*
11 *“Final Legislative Environmental Impact Statement”*
12 *(April 1987) on the Coastal Plain.*

13 (2) *Seasonal limitations on exploration, develop-*
14 *ment, and related activities, where necessary, to avoid*
15 *significant adverse effects during periods of con-*
16 *centrated fish and wildlife breeding, denning, nesting,*
17 *spawning, and migration based on a preponderance*
18 *of the best available scientific evidence that has been*
19 *peer reviewed and obtained by following appropriate,*
20 *documented scientific procedures, the results of which*
21 *can be repeated using those same procedures.*

22 (3) *That exploration activities, except for surface*
23 *geological studies, be limited to the period between ap-*
24 *proximately November 1 and May 1 each year and*
25 *that exploration activities shall be supported, if nec-*

1 *essary, by ice roads, winter trails with adequate snow*
2 *cover, ice pads, ice airstrips, and air transport meth-*
3 *ods, except that such exploration activities may occur*
4 *at other times if the Secretary finds that such explo-*
5 *ration will have no significant adverse effect on the*
6 *fish and wildlife, their habitat, and the environment*
7 *of the Coastal Plain.*

8 *(4) Design safety and construction standards for*
9 *all pipelines and any access and service roads, that—*

10 *(A) minimize, to the maximum extent pos-*
11 *sible, adverse effects upon the passage of migra-*
12 *tory species such as caribou; and*

13 *(B) minimize adverse effects upon the flow*
14 *of surface water by requiring the use of culverts,*
15 *bridges, and other structural devices.*

16 *(5) Prohibitions on general public access and use*
17 *on all pipeline access and service roads.*

18 *(6) Stringent reclamation and rehabilitation re-*
19 *quirements, consistent with the standards set forth in*
20 *this Act, requiring the removal from the Coastal*
21 *Plain of all oil and gas development and production*
22 *facilities, structures, and equipment upon completion*
23 *of oil and gas production operations, except that the*
24 *Secretary may exempt from the requirements of this*
25 *paragraph those facilities, structures, or equipment*

1 *that the Secretary determines would assist in the*
2 *management of the Arctic National Wildlife Refuge*
3 *and that are donated to the United States for that*
4 *purpose.*

5 *(7) Appropriate prohibitions or restrictions on*
6 *access by all modes of transportation.*

7 *(8) Appropriate prohibitions or restrictions on*
8 *sand and gravel extraction.*

9 *(9) Consolidation of facility siting.*

10 *(10) Appropriate prohibitions or restrictions on*
11 *use of explosives.*

12 *(11) Avoidance, to the extent practicable, of*
13 *springs, streams, and river systems; the protection of*
14 *natural surface drainage patterns, wetlands, and ri-*
15 *parian habitats; and the regulation of methods or*
16 *techniques for developing or transporting adequate*
17 *supplies of water for exploratory drilling.*

18 *(12) Avoidance or minimization of air traffic-re-*
19 *lated disturbance to fish and wildlife.*

20 *(13) Treatment and disposal of hazardous and*
21 *toxic wastes, solid wastes, reserve pit fluids, drilling*
22 *muds and cuttings, and domestic wastewater, includ-*
23 *ing an annual waste management report, a hazardous*
24 *materials tracking system, and a prohibition on*

1 *chlorinated solvents, in accordance with applicable*
2 *Federal and State environmental law.*

3 (14) *Fuel storage and oil spill contingency plan-*
4 *ning.*

5 (15) *Research, monitoring, and reporting re-*
6 *quirements.*

7 (16) *Field crew environmental briefings.*

8 (17) *Avoidance of significant adverse effects upon*
9 *subsistence hunting, fishing, and trapping by subsist-*
10 *ence users.*

11 (18) *Compliance with applicable air and water*
12 *quality standards.*

13 (19) *Appropriate seasonal and safety zone des-*
14 *ignations around well sites, within which subsistence*
15 *hunting and trapping shall be limited.*

16 (20) *Reasonable stipulations for protection of*
17 *cultural and archeological resources.*

18 (21) *All other protective environmental stipula-*
19 *tions, restrictions, terms, and conditions deemed nec-*
20 *essary by the Secretary.*

21 (e) *CONSIDERATIONS.—In preparing and promul-*
22 *gating regulations, lease terms, conditions, restrictions, pro-*
23 *hibitions, and stipulations under this section, the Secretary*
24 *shall consider the following:*

1 (1) *The stipulations and conditions that govern*
2 *the National Petroleum Reserve-Alaska leasing pro-*
3 *gram, as set forth in the 1999 Northeast National Pe-*
4 *troleum Reserve-Alaska Final Integrated Activity*
5 *Plan/Environmental Impact Statement.*

6 (2) *The environmental protection standards that*
7 *governed the initial Coastal Plain seismic exploration*
8 *program under parts 37.31 to 37.33 of title 50, Code*
9 *of Federal Regulations.*

10 (3) *The land use stipulations for exploratory*
11 *drilling on the KIC-ASRC private lands that are set*
12 *forth in appendix 2 of the August 9, 1983, agreement*
13 *between Arctic Slope Regional Corporation and the*
14 *United States.*

15 (f) *FACILITY CONSOLIDATION PLANNING.—*

16 (1) *IN GENERAL.—The Secretary shall, after pro-*
17 *viding for public notice and comment, prepare and*
18 *update periodically a plan to govern, guide, and di-*
19 *rect the siting and construction of facilities for the ex-*
20 *ploration, development, production, and transpor-*
21 *tation of Coastal Plain oil and gas resources.*

22 (2) *OBJECTIVES.—The plan shall have the fol-*
23 *lowing objectives:*

24 (A) *Avoiding unnecessary duplication of fa-*
25 *cilities and activities.*

1 (B) *Encouraging consolidation of common*
2 *facilities and activities.*

3 (C) *Locating or confining facilities and ac-*
4 *tivities to areas that will minimize impact on*
5 *fish and wildlife, their habitat, and the environ-*
6 *ment.*

7 (D) *Utilizing existing facilities wherever*
8 *practicable.*

9 (E) *Enhancing compatibility between wild-*
10 *life values and development activities.*

11 (g) *ACCESS TO PUBLIC LANDS.—The Secretary*
12 *shall—*

13 (1) *manage public lands in the Coastal Plain*
14 *subject to section 811 of the Alaska National Interest*
15 *Lands Conservation Act (16 U.S.C. 3121); and*

16 (2) *ensure that local residents shall have reason-*
17 *able access to public lands in the Coastal Plain for*
18 *traditional uses.*

19 **SEC. 9. EXPEDITED JUDICIAL REVIEW.**

20 (a) *FILING OF COMPLAINT.—*

21 (1) *DEADLINE.—Subject to paragraph (2), any*
22 *complaint seeking judicial review—*

23 (A) *of any provision of this Act shall be*
24 *filed by not later than 1 year after the date of*
25 *enactment of this Act; or*

1 (B) of any action of the Secretary under
2 this Act shall be filed—

3 (i) except as provided in clause (ii),
4 within the 90-day period beginning on the
5 date of the action being challenged; or

6 (ii) in the case of a complaint based
7 solely on grounds arising after such period,
8 within 90 days after the complainant knew
9 or reasonably should have known of the
10 grounds for the complaint.

11 (2) *VENUE*.—Any complaint seeking judicial re-
12 view of any provision of this Act or any action of the
13 Secretary under this Act may be filed only in the
14 United States Court of Appeals for the District of Co-
15 lumbia.

16 (3) *LIMITATION ON SCOPE OF CERTAIN RE-*
17 *VIEW*.—Judicial review of a Secretarial decision to
18 conduct a lease sale under this Act, including the en-
19 vironmental analysis thereof, shall be limited to
20 whether the Secretary has complied with this Act and
21 shall be based upon the administrative record of that
22 decision. The Secretary's identification of a preferred
23 course of action to enable leasing to proceed and the
24 Secretary's analysis of environmental effects under
25 this Act shall be presumed to be correct unless shown

1 *otherwise by clear and convincing evidence to the con-*
2 *trary.*

3 *(b) LIMITATION ON OTHER REVIEW.—Actions of the*
4 *Secretary with respect to which review could have been ob-*
5 *tained under this section shall not be subject to judicial re-*
6 *view in any civil or criminal proceeding for enforcement.*

7 *(c) LIMITATION ON ATTORNEYS' FEES AND COURT*
8 *COSTS.—No person seeking judicial review of any action*
9 *under this Act shall receive payment from the Federal Gov-*
10 *ernment for their attorneys' fees and other court costs, in-*
11 *cluding under any provision of law enacted by the Equal*
12 *Access to Justice Act (5 U.S.C. 504 note).*

13 **SEC. 10. TREATMENT OF REVENUES.**

14 *Notwithstanding any other provision of law, 50 per-*
15 *cent of the amount of bonus, rental, and royalty revenues*
16 *from Federal oil and gas leasing and operations authorized*
17 *under this Act shall be deposited in the Treasury.*

18 **SEC. 11. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

19 *(a) IN GENERAL.—The Secretary shall issue rights-of-*
20 *way and easements across the Coastal Plain for the trans-*
21 *portation of oil and gas produced under leases under this*
22 *Act—*

23 *(1) except as provided in paragraph (2), under*
24 *section 28 of the Mineral Leasing Act (30 U.S.C.*
25 *185), without regard to title XI of the Alaska Na-*

1 *tional Interest Lands Conservation Act (16 U.S.C.*
2 *3161 et seq.); and*

3 *(2) under title XI of the Alaska National Interest*
4 *Lands Conservation Act (30 U.S.C. 3161 et seq.), for*
5 *access authorized by sections 1110 and 1111 of that*
6 *Act (16 U.S.C. 3170 and 3171).*

7 *(b) TERMS AND CONDITIONS.—The Secretary shall in-*
8 *clude in any right-of-way or easement issued under sub-*
9 *section (a) such terms and conditions as may be necessary*
10 *to ensure that transportation of oil and gas does not result*
11 *in a significant adverse effect on the fish and wildlife, sub-*
12 *sistence resources, their habitat, and the environment of the*
13 *Coastal Plain, including requirements that facilities be*
14 *sited or designed so as to avoid unnecessary duplication of*
15 *roads and pipelines.*

16 *(c) REGULATIONS.—The Secretary shall include in*
17 *regulations under section 3(g) provisions granting rights-*
18 *of-way and easements described in subsection (a) of this sec-*
19 *tion.*

20 **SEC. 12. CONVEYANCE.**

21 *In order to maximize Federal revenues by removing*
22 *clouds on title to lands and clarifying land ownership pat-*
23 *terns within the Coastal Plain, the Secretary, notwith-*
24 *standing section 1302(h)(2) of the Alaska National Interest*

1 *Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall con-*
2 *vey—*

3 *(1) to the Kaktovik Inupiat Corporation the sur-*
4 *face estate of the lands described in paragraph 1 of*
5 *Public Land Order 6959, to the extent necessary to*
6 *fulfill the Corporation's entitlement under sections 12*
7 *and 14 of the Alaska Native Claims Settlement Act*
8 *(43 U.S.C. 1611 and 1613) in accordance with the*
9 *terms and conditions of the Agreement between the*
10 *Department of the Interior, the United States Fish*
11 *and Wildlife Service, the Bureau of Land Manage-*
12 *ment, and the Kaktovik Inupiat Corporation dated*
13 *January 22, 1993; and*

14 *(2) to the Arctic Slope Regional Corporation the*
15 *remaining subsurface estate to which it is entitled*
16 *pursuant to the August 9, 1983, agreement between*
17 *the Arctic Slope Regional Corporation and the United*
18 *States of America.*

Union Calendar No. 273

112TH CONGRESS
2^D SESSION

H. R. 3407

[Report No. 112-393]

A BILL

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes.

FEBRUARY 9, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed